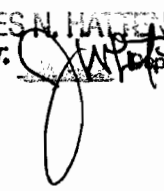


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FEB 20 2015

IN THE UNITED STATES DISTRICT COURT

JAMES N. HATTEN, Clerk  
By:  Deputy Clerk

FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

CA

TYRONE ANTHONY STERLING :

4125 Belvedere Square, :

Apartment G :

Decatur, Georgia 30035 :

Pro-se Plaintiff :

v. : Civil Action No. \_\_\_\_\_

: **1:15-CV-0514**

Marcus Trauma Center :

Grady Memorial Hospital :

Defendants :

**LAW SUIT FOR DAMAGES**

PART ONE.

Now come(s) , the plaintiff in the above-style case and moves this Honorable Court in “ ***LAW SUIT FOR DAMAGES***”, filed and seek compensatory, monetary and punitive damages that he obtained from the Defendant(s) et; al Medical Malpractice and Deliberate Indifference when they caused him to suffer actual pain and suffering by overdosing him on Phenytrion Dilantin ® , and because of that the plaintiff have suffered pain and suffering and damages to his person due to the Stevens-Johnson syndrome is a rare and unpredictable reaction which usually the condition is triggered by a medication or an infection.

Plaintiff states that immediately after the Nurse gave him Dilantin® within hours the plaintiff started experiencing Facial swelling Tongue swelling Hives Skin pain A red or purple skin rash that spreads within hours to days Blisters on his skin and the mucous membranes of his mouth, nose, eyes and genitals Shedding of his skin. The Plaintiff further states that he did tell the nurse that he was having these symptom but the nurse instead of notifying the doctor she told him “ we don’t handle those things you need to take that up with your primary care provider” in which at that time the Plaintiff didn’t have a primary care provider.

The plaintiff further states that the most common cause of Stevens - Johnson syndrome (SJS) is a reaction to a drug. Though the disorder

is rare, it is extremely serious. Stevens - Johnson syndrome (SJS) occurs when mucous membranes have a serious reaction to a medication. The Defendants(s) et; al also knew this information but continued to administered the Plaintiff Dilantin which is one of the medication that will caused (SJS). In furtherance, the Defendants had taken the plaintiff off the Medication but then gave it back to him and because of that the plaintiff suffer pain and suffering due to the Defendant(s) unethical acts and Medical Malpractice. Therefore, the plaintiff in the foregoing Complaint seek Compensatory, Punitive and Monetary Damages against the Defendant(s) for the damages that they did caused him to suffer and for the Violation of the Plaintiff Constitutional Right by denying the plaintiff a serious medical need to writ.

### **PARTIES TO LAW SUIT**

#### Part Two

Plaintiff : Tyrone Anthony Sterling Pro-se` Litigant  
4125 Belvedere Square,  
Apartment G  
Decatur, Georgia 30035  
Phone No# (678) 891-8509

Email: ministeranthony316@gmail.com

Defendant(s) : The Marcus Trauma Center et; al  
Grady Memorial Hospital et; al  
80 Jesse Hill Jr. Drive SE, Atlanta, GA 30303  
Phone No# (404) 616-1000

### **Jurisdiction**

#### Part Three

The Plaintiff states that the Jurisdiction of this Court consist of the following counties of the State of Georgia Cherokee, Clayton, Cobb, DeKalb, Douglas, Fulton, Gwinnett, Henry, Newton, and Rockdale and that the place where the plaintiff was injured was in the Marcus Trauma Center located at 80 Jesse Hill Jr. Drive S.E. Atlanta Georgia 30303 and that the plaintiff is also within the jurisdiction of this Court so therefore this Court has Constitutional Power and Authority to hear and try this forgoing case and that the jurisdiction is proper and correct.

### **Statement of Case**

Four  
Part ~~Five~~

On the about-date of February 5<sup>th</sup>, 2015 the plaintiff went to Grady hospital for medical attention, after waiting for several hours in the ER, the plaintiff informed the ER nurse that he had a seizure on the 1<sup>st</sup> of the month. The plaintiff was then taken to the Marcus Trauma Center at Grady where he spoken to a nurse and several doctors. After waiting for another long period the nurse came to the plaintiff bed with a cup of medication including Dilantin. Immediately after taking the Dilantin, the plaintiff told said “ excuse me nurse, I am having negative reactions to my medications and my face and hands are itching and burning” the nurse then replies “ we don’t handle things like that, you will have to take that up with your Primary Care Provider” in which at that time he didn’t have one. Still in pain the plaintiff due to the shock that his body was going through had a pettymal seizure. However, a nurse called the Security and told them that he was “ volunteering” having a seizure and had the security to escort the plaintiff out of the building. Immediately after that the symptoms started getting worse so he went to Emory Crawford Long-Midtown at that time he thought that he was just having an allergic reaction to the medication . On the about-date of February 11<sup>th</sup> 2015 the plaintiff went to Grady because he was having pain all over his body and in his face and private areas. Then the plaintiff was diagnosed with the Steven Johnson Syndrome a rare but serious life

threatening skin disorder in which he told the doctor then that he was taken off of Dilantin and don't know why he was put back on Dilantin. The Defendant do acknowledge that the plaintiff did have the same symptoms back in 2012 for the same drug and still gave the plaintiff Dilantin which cause the plaintiff to suffered great bodily pain and suffering to writ.

### **Statement of Authority**

The plaintiff states that this court has authority according to 42 U.S.C Section 1983, 14<sup>th</sup> Amendment to the United States Constitution Section 1 and **Section I Paragraph I, II, and VII to the Constitution of the State of Georgia. Where** 42 U.S.C. § 1983, commonly referred to as "section 1983" provides:

Every person who under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, Suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or



that the harm be the result of action on the part of the government entity that implemented or executed a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers, or the result of the entity's custom. Further, the entity's policy or custom must have been the "moving force" behind the alleged deprivation. This "custom or policy" requirement is a dramatic departure from the rule of respondeat superior that prevails in many common law actions.

**Statements of facts**

**Part Six**

*1. Medical malpractice*

**Medical malpractice** is professional **negligence** by act or omission by a health care provider in which the treatment provided falls below the accepted standard of practice in the **medical** community and causes injury or death to the patient, with most cases involving **medical** error. Where the plaintiff injured when the Defendant did gave him medication that they knew he is allergic to and that no other medical professional will have done that but instead would consult with the patient medical records for adequate and accurate medical care to the best of their medical ability.

**2. Respondeat superior**

**Part Seven**

**Respondeat superior** (Latin: "let the master answer"; plural: respondeant superiores) is a legal doctrine which states that, in many circumstances, an employer is responsible for the actions of employees performed within the course of their employment. This rule is also called the "Master-Servant Rule", recognized in both common law and civil law jurisdictions. In a broader scope, respondeat superior is based upon the concept of vicarious liability. Due to the fact that the Doctors and Nurses are employed by Grady the Defendants is liable according to the "Respondeat Superior" Doctrine.

In order to prove his "Medical Malpractice" case the plaintiff states that the following elements are presents in the foregoing case;

1.Duty

2.Breach of Duty

3.Damages

4.Causation

**1. Duty**

Duty is what the Defendant owes to the patient. According to the patients Bills of Rights at Grady, the Defendants owes the plaintiff the right As a patient at Grady, you have the right to...



1. health care services no matter your age, age, race, ethnicity, religion, culture, language, physical or mental disability, socioeconomic status, sex, sexual orientation and gender identity or expression, as well as source of payment for care.
2. be treated with respect and courtesy. We will protect your dignity and right to privacy.
3. respect for your religion, beliefs, and social needs. You may call the Chaplain at (404) 616-4270, Monday through Friday, 8:30 a.m. to 5 p.m. After 5 p.m. or on weekends and holidays, you may page (404) 703-1670. Our Chapel is on the 1st floor of the hospital.
4. clear communication from our staff. We will use the language you choose in a way in which you want to receive information. When you do not understand, please tell us or ask questions. If you want us to communicate with another person about your health information, tell us.
5. free services to help you talk with the staff. If you have vision, speech, or hearing problems, or if English is not your first language, our language interpreters can help.
6. talk to your doctor about your care at any time.
7. know the names of the doctors responsible for your care.
8. know the name of each member of your health care team.
9. be told by your doctor about the unexpected outcomes of treatment and how effective it is.

10. understand your condition, progress, and all recommended tests and procedures.
11. decide with your doctor your plan of care.
12. involve your family in decisions about your care. You, or a person you choose to make medical decisions for you, can say how much you want your family involved in your care.
13. have your decision-maker work with your care team, speak for you, and make health care decisions for you if you cannot speak for yourself.
14. fill out a new or change an Advanced Directive. The Directive tells your family and hospital your wishes for end-of-life care, including organ donation. The Directive also names a substitute decision-maker. This may be a family member, friend, or same-sex partner.
15. receive care even if you do not have an Advanced Directive.
16. agree to or refuse treatment. Your doctor will explain to you, in language you understand, the risks, benefits, discomforts, side effects, purpose, and possible problems. Your doctor will also talk to you about your other choices and the risks and benefits of those choices.
17. choose if you want to participate in research. You can also choose to be on photos or in videos (that are not used for your care).
18. not be secluded or restrained unless medically necessary.
19. have your pain checked and controlled.

20. have emotional support from a family member or friend during your hospital visit.
21. a safe, secure environment, with no neglect, exploitation, verbal, mental, physical or sexual abuse. The hospital will report cases of abuse to the police or other agencies. If you feel your environment is not safe, you have a right to contact Protective Services.

## 2. **Breach of Duty**

The duty owed to patient is breached by responsible party. For example, a nurse fails to provide a safe environment by omitting to put the bed down. Where is was the duty of the Defendants to consult with the patient's medical file to makes sure that they are giving the plaintiff adequate and correct medical treatment but fail to do, as a result the plaintiff was given harmful medication that he is and has a record of being allergic to.

## 3.**Damages**

Damages occur as a result of the breach. The patient falls out of that bed and breaks an arm, incurring damages. If the patient falls but is not injured, no damages occur. This may be poor patient care, but does not satisfy the element of damages. As a result from the Dilantin Toxin overdose, the Plaintiff suffered the following

Facial swelling ,Tongue swelling ,Hives ,Skin pain

A red or purple skin rash that spreads within hours to days

Blisters on your skin and the mucous membranes of your mouth, and genitals, Shedding of your skin , And since the plaintiff has had the Steven Johnson Syndrome for several days the plaintiff also suffered the following:

Fever, Sore mouth and throat, Fatigue, Cough ,Burning eyes as well as Unexplained widespread skin pain, Facial swelling, Blisters on your skin and mucous membranes, Hives, Tongue swelling, A red or purplish skin rash that spreads, Shedding of your skin

#### 4. **Causation**

There must be a direct cause and effect to the injury, where due to the breach of duty of the Defendant, the plaintiff suffered **Secondary skin infection (cellulitis)**. Cellulitis can lead to life-threatening complications, including sepsis.

**Blood infection (sepsis)**. Sepsis occurs when bacteria from an infection enter your bloodstream and spread throughout your body. Sepsis is a rapidly progressing, life-threatening condition that can cause shock and organ failure.

declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

# **1. "Every Person...."**

Only "persons" under the statute are subject to liability. A state is not a person subject to suit under section 1983, but a state officer can be sued in his official capacity for prospective or injunctive relief, despite the fact that a suit against a government official in his official capacity represents nothing more than a suit against the government entity itself.<sup>1</sup> Despite this logical inconsistency, the current state of the law is that a state may not be sued for damages, but may be sued for declaratory or injunctive relief. Municipalities and local governments are persons subject to suit for damages *and* prospective relief, but the United States Government is not. Individual employees of federal, state and local government may be sued in their individual capacities for damages, declaratory or injunctive relief.

While the determination of who is a "person" is a matter of federal statutory interpretation, the matter of who has the capacity to be sued is determined by the law of the forum state. Likewise, the law of the



forum is to be applied in actions under section 1983 where the law of section 1983 provides no guidance.

**2) "... who under color of [state law] ..."**

The traditional definition of acting under the color of state law requires that the defendant have exercised power "possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law," and such actions may result in liability even if the defendant abuses the position given to him by the state.<sup>2</sup> A private actor may also act under color of state law under certain circumstances. For example, it has been held that a physician who contracts with the state to provide medical care to inmates acts under the color of state law. For all practical purposes, the "color of state law" requirement is identical to the "state action" prerequisite to constitutional liability.

**3. "... subjects or causes to be subjected ..."**

Section 1983 does not impose a state of mind requirement independent of the underlying basis for liability but there must be a causal connection between the defendant's actions and the harm that results. In order to hold a local government liable under section 1983, the Supreme Court has interpreted this causation element to require



**Permanent skin damage.** When your skin grows back following Stevens-Johnson syndrome, it may have abnormal bumps and coloring. And you may have scars. Lasting skin problems may cause your hair to fall out, and your fingernails and toenails may not grow normally.

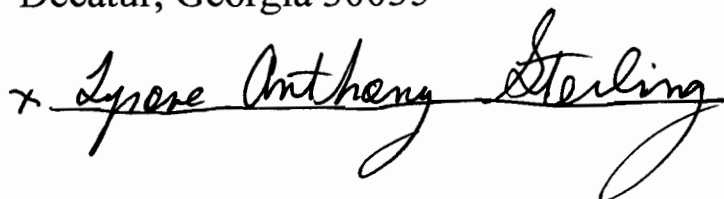
### **Remedy and Relief**

Wherefore, the plaintiff in the above-style case request that this Court issue an order and directing the Defendants to Compensate him for the pain and suffering that he has suffered due to the medical malpractice that they did cause him to suffer. Furthermore the plaintiff seek \$ 1.5 Million Dollars in Compensatory Damages and \$ 23.67 for mental anguish and \$15, 000.00 in Punitive Damages in which according to 42 U.S.C Section 1983, 14<sup>th</sup> Amendment to the United States Constitution Section 1 and **Section I Paragraph I, II, and VII to the Constitution of the State of Georgia** to writ.

This he every prays this \_\_\_19<sup>th</sup> \_\_\_ day of, \_\_February\_\_ 2015.

**Respectfully Submitted**

Tyrone Anthony Sterling Pro-se` Litigant  
4125 Belvedere Square,  
Apartment G  
Decatur, Georgia 30035

x 

**Permanent skin damage.** When your skin grows back following Stevens-Johnson syndrome, it may have abnormal bumps and coloring. And you may have scars. Lasting skin problems may cause your hair to fall out, and your fingernails and toenails may not grow normally.

### **Remedy and Relief**

Wherefore, the plaintiff in the above-style case request that this Court issue an order and directing the Defendants to Compensate him for the pain and suffering that he has suffered due to the medical malpractice that they did cause him to suffer. Furthermore the plaintiff seek \$ 1.5 Million Dollars in Compensatory Damages and \$ 23.67 for mental anguish and \$15, 000.00 in Punitive Damages in which according to 42 U.S.C Section 1983, 14<sup>th</sup> Amendment to the United States Constitution Section 1 and **Section I Paragraph I, II, and VII to the Constitution of the State of Georgia** to writ.

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**Respectfully Submitted**

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